

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-80011-CR-AMC

UNITED STATES OF AMERICA

vs.

JAMIE MICHAEL LARKIN,

Defendant.

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**THE UNITED STATES OF AMERICA'S RESPONSE TO DEFENDANT'S  
OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT**

The United States of America, through the undersigned counsel, files the following response to the Defendant's Objections to the Presentence Investigation Report (DE 27)<sup>1</sup>:

The Government does not object to any of the Defendant's proposed factual corrections to the PSI.

1. No objection to correction of defense counsel's email address.
2. Paragraph 12 – The Government has no objection to the addition of this language.
3. Paragraph 14 –
  - a. **Actual Loss:** Defense has made a clerical error with the actual loss here.

The parties agreed in the plea to jointly recommend that the Defendant's GSR

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<sup>1</sup> The undersigned AUSA was out of the country from June 10 to June 18 and not checking the Court docket during that time. During the latter part of the trip, the undersigned AUSA contracted a foodborne illness. On June 19, 2024, he advised defense counsel of his illness but did not file anything with the Court. Undersigned travelled to the Court hearing from Miami, Florida but then learned it was postponed. Undersigned remains ill but is recovering. Unfortunately, on June 25 evening and on June 27, undersigned was in bed with more severe symptoms and continues to recover.

range be calculated based on an actual loss of \$997,911 (Not \$967,911). The Government, through its agents, did advise the U.S. Probation Office that the intended loss could be estimated to be \$1,027,956.

- b. The Government has no objection to the Defendant's other requested additions to paragraph 14. O'Brien has admitted that he solicited Larkin's involvement. Larkin has admitted he knew that they needed him to conceal their ownership because of audits that the other two men had had of other pharmacies in the past.
4. Paragraphs 15 and 20 - The Government has no objection to the inclusion of the proposed statements. O'Brien and Solari obtained the patient leads, got others to sign the prescriptions, got others to pay the kickbacks, and hired other people, beside Larkin, to run the pharmacy and submit the claims to Medicare. Nevertheless, Larkin's claimed "sole ownership" allowed the other two men to avoid audits and obtain more money from Medicare through Rite Care Pharmacy (even afer they had done so at other pharmacies earlier in time).
5. Paragraph 19 – No objection to adding that O'Brien drafted that specific letter with the clarification that Larkin was aware of this false statement (addressed from him as owner) to the Georgia Board of Pharmacy.
6. **Offense Level Computation** – The Government agrees that it has entered a plea to jointly recommend with the defendant that his total offense level is a Level 15.

7. Paragraph 64 - No objection to the Defendant's correction of his height in the PSI.

Respectfully submitted,

MARKENZIE LAPOINTE  
UNITED STATES ATTORNEY

Date: June 28, 2024

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 28, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which sent notice to the parties of record.

/s/Timothy J. Abraham  
Timothy J. Abraham, AUSA